



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

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THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.M.A. (MD)Nos.498 and 499 of 2016

and C.M.P. (MD)No.6305 of 2016

M.Mangai

... Appellant in both appeals

versus

R.Mahendran

... Respondent in both appeals

C.M.A. (MD)Nos.498 of 2016: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, against the Judgment and Decree dated 29.04.2016 passed in H.M.O.P.No.819 of 2014 on the file of the Family Court, Madurai.

C.M.A. (MD)Nos.499 of 2016: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, against the Judgment and Decree dated 29.04.2016 passed in H.M.O.P.No.124 of 2014 on the file of the Family Court, Madurai.

For Appellant : Mr.S.Karthick Kumar

For Respondent : Mr.Babu Rajendran

COMMON JUDGMENT

[Judgment of this Court was delivered by **N.KIRUBAKARAN, J.**]

C.M.A.(MD)No.498 of 2016 has been filed by the wife against the order of allowing the divorce petition filed by the husband/respondent in H.M.O.P.No.819 of 2014.

2. C.M.A.(MD)No.499 of 2016 has been filed by the wife against the order of dismissing the petition filed by her under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in H.M.O.P.No.124 of 2014.

3. The appellant and the respondent got married on 25.03.2010. Out of their wedlock, a male child was born. Thereafter, a dispute arose between the parties and thereafter, they have been living separately for the past seven years, which compelled the husband/respondent to file a divorce petition, before the Family Court, Madurai, in H.M.O.P.No.819 of 2014. Similarly, the wife/appellant filed a petition under Section 9 of the Hindu Marriage Act, in H.M.O.P.No.124 of 2014, for restitution of conjugal rights. After contest, H.M.O.P.No.819 of 2014 filed by the



respondent/husband was allowed granting divorce and H.M.O.P.No.124 of 2014 filed by the wife/appellant for restitution of conjugal rights was dismissed by a Common Order dated 29.04.2016, against which, these appeals have been filed by the wife/appellant.

4. When the matter is called today, Mrs.M.Mangai, Party-in-Person, has appeared before this Court through Video Conferencing and submits that she does not want to prosecute the appeals as the issue has been settled out of Court and she desires to accept the orders passed by the Trial Court. In this regard, a memo filed before this Court in Crl.O.P.(MD)No.10891 of 2020, has been filed. In the said memo, it has been agreed by both the parties that they accepted divorce granted by the Family Court, Madurai and the wife/appellant agreed to withdraw the Civil Miscellaneous Appeals in C.M.A.(MD)Nos.498 and 499 of 2016 pending before this court. It is also agreed that the minor son would be in the custody of the wife/appellant and the appellant agreed to receive a sum of Rs.4,00,000/- towards her maintenance from her husband and a sum of Rs.6,00,000/- towards maintenance of her minor son. The said Memo of Compromise was filed before the Criminal Jurisdiction of this Court, on 23.09.2020, properly signed by both sides and counter signed by their respective counsels.

5. From the above, it is clear that the issue has been settled out of Court and the wife/appellant and the husband/respondent agreed to abide by the Decree and Judgment passed by the trial Court granting decree of divorce.

6. In view of that, both the Civil Miscellaneous Appeals are dismissed as settled out of Court. The original memo of compromise filed before this Court in Crl.O.P.(MD)No.10891 of 2020 shall form part of the record. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Judge
Family Court,
Madurai.

WEB COPY

+1 CC to Mr.S.KARTHICK KUMAR, Advocate (SR-23780[F] dated
03/12/2020)

+1 CC to Mr.BABU RAJENDRAN, Advocate (SR-23949[F] dated
04/12/2020)

C.M.A. (MD) Nos. 498 and 499 of 2016
02.12.2020

VB (29.12.2020) 3P 4C